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6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Amended Accusation
Against:

Case No. 6891

12 CASSANDRA LEE VICKERS
13 aka CASSANDRA LEE SOMONTES
1358 Old Oakland Road Apt. 114
San Jose, California 95131

AMENDED ACCUSATION

14 Lic. No. VN 187818 Respondent.

15
16 Complainant alleges:

17 PARTIES

18 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
19 Accusation solely in her official capacity as the Executive Officer of the Board of Vocational
20 Nursing and Psychiatric Technicians, Department of Consumer Affairs.

21 2. On or about April 8, 1999, the Board of Vocational Nursing and
22 Psychiatric Technicians issued Vocational Nurse Number VN 187818 to Cassandra Lee Vickers
23 (Respondent). The Vocational Nurse was in full force and effect at all times relevant to the
24 charges brought herein and will expire on September 30, 2008, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Vocational Nursing and
27 Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the
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1 following laws. All section references are to the Business and Professions Code unless otherwise
2 indicated.

3 STATUTORY PROVISIONS

4 4. Section 2875 of the Business and Professions Code provides, in pertinent
5 part, that the Board may discipline the holder of a vocational nurse license for any reason
6 provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

7 5. Section 118(b) of the Business and Professions Code provides, in pertinent
8 part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a
9 disciplinary action during the period within which the license may be renewed, restored, reissued
10 or reinstated. Under section 2892.1 of the Business and Professions Code, the Board may renew
11 an expired license at any time within four years after the expiration.

12 6. Section 2878 of the Business and Professions Code, in pertinent part,
13 states:

14 "The Board may suspend or revoke a license issued under this chapter [the
15 Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for any of the following:

16 "(a) Unprofessional conduct . . .

17 ". . .

18 "(f) Conviction of a crime substantially related to the qualifications, functions,
19 and duties of a licensed vocational nurse, in which event the record of the conviction shall be
20 conclusive evidence of the conviction. For the purposes of this paragraph, 'excessive force' means
21 force clearly in excess of that which would normally be applied in similar clinical circumstances.

22 . . .

23 7. Section 2878.5 of the Business and Professions Code, in pertinent part,
24 states:

25 "In addition to other acts constituting unprofessional conduct within the meaning
26 of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person
27 licensed under this chapter to do any of the following:

28 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a

1 licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or
2 administer to another, any controlled substance as defined in Division 10 of the Health and
3 Safety Code, or any dangerous drug as defined in Section 4022.

4 "(b) Use any controlled substance as defined in Division 10 of the Health and
5 Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an
6 extent or in a manner dangerous or injurious to himself or herself, any other person, or the public,
7 or to the extent that the use impairs his or her ability to conduct with safety to the public the
8 practice authorized by his or her license.

9 "(c) Be convicted of a criminal offense involving possession of any narcotic or
10 dangerous drug, or the prescription, consumption, or self-administration of any of the substances
11 described in subdivisions (a) and (b) of this section, in which event the record of the conviction is
12 conclusive evidence thereof.

13 ...

14 8. Section 490 of the Business and Professions Code provides, in pertinent
15 part, that the Board may suspend or revoke a license when it finds that the licensee has been
16 convicted of a crime substantially related to the qualifications, functions or duties of a licensed
17 vocational nurse.

18 9. Section 2521 of Title 16 of the California Code of Regulations provides in
19 relevant part that a crime a crime or act shall be considered to be substantially related to the
20 qualifications, functions or duties of a licensed vocational nurse if to a substantial degree it
21 evidences present or potential unfitness of a licensed vocational nurse to perform the functions
22 authorized by his license in a manner consistent with the public health, safety, or welfare.

23 10. Section 125.3 of the Business and Professions Code provides, in pertinent
24 part, that the Board may request the administrative law judge to direct a licentiate found to have
25 committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable
26 costs of the investigation and enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of a Crime)

3 11. Respondent is subject to disciplinary action under sections 490 and
4 2878(f) of the Business and Professions Code for unprofessional conduct in that respondent was
5 convicted of a crime. The circumstances are as follows:

6 a. On or about November 29, 1995, in a criminal proceeding entitled
7 People of the State of California v. Cassandra Lee Vickers, in the Municipal Court of the State of
8 California for the County of Orange, Laguna Niguel Judicial District, Case No.958M15953,
9 respondent was convicted of violating Penal Code section 415(1) (Fighting in a public place), a
10 misdemeanor.

11 b. On or about November 29, 1995, respondent was ordered by the
12 court to pay a fine.

13 SECOND CAUSE FOR DISCIPLINE

14 (Conviction of a Crime)

15 12. Respondent is subject to disciplinary action under sections 490 and
16 2878(f) of the Business and Professions Code for unprofessional conduct in that respondent was
17 convicted of a crime. The circumstances are as follows:

18 a. On or about January 23, 2004, in a criminal proceeding entitled
19 People of the State of California v. Cassandra Lee Vickers, in the Superior Court of the State of
20 California for the County of Orange, Case No.02HM05100, respondent was convicted of
21 violating Vehicle Code section 14601.1(a) (Driving while driver's license suspended/revoked)
22 and Vehicle Code section 16028(a) (Failure to Provide Evidence of Financial Responsibility),
23 both misdemeanor offenses.

24 b. On or about January 23, 2004, respondent was placed on three
25 years informal probation, ordered to serve 30 days in the county jail, pay a \$500.00 fine and a
26 \$100.00 restitution fine.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Conviction of a Crime)

3 13. Respondent is subject to disciplinary action under sections 490 and
4 2878(f) of the Business and Professions Code for unprofessional conduct in that respondent was
5 convicted of a crime. The circumstances are as follows:

6 a. On or about April 4, 2005, in a criminal proceeding entitled People
7 of the State of California v. Cassandra Lee Vickers, in the Superior Court of the State of
8 California for the County of Riverside, Case No.RIM456729, respondent was convicted of
9 violating Vehicle Code section 14601.2(a) (Driving while privilege suspended), a misdemeanor.

10 b. On or about April 4, 2005, respondent was placed on probation,
11 ordered to serve nine days in the county jail, and ordered to pay a \$1,254.00 fine.

12 FOURTH CAUSE FOR DISCIPLINE

13 (Illegal Use of Drugs/Alcohol Posing Danger to Public & Impair Practice)

14 14. Respondent is subject to disciplinary action under Business and
15 Professions Code sections 490 and 2878 for unprofessional conduct, as defined by Business and
16 Professions Code section 2878.5(b), in that respondent used drugs and/or alcohol to an extent or
17 in a manner dangerous or injurious to herself, any other person, or the public, or to the extent that
18 use impairs her ability to conduct with safety to the public the practice authorized by her license.
19 The circumstances are as follows:

20 a. On or about April 4, 2001, in a criminal proceeding entitled People
21 of the State of California v. Cassandra Lee Vickers, in the Superior Court of the State of
22 California for the County of Riverside, Case No.PEM031233, respondent was convicted of
23 violating Vehicle Code section 23152(a) (Driving under the influence of alcohol/drugs).

24 b. On or about December 8, 2003, respondent was contacted by a
25 Police Officer from the City of San Jose, California who was investigating a report of an
26 attempted suicide. Respondent told the officer that she had taken approximately 20 pills to end
27 her life. The respondent was transported to Santa Clara Valley Medical Center in San Jose,
28 California and was subsequently released.

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